

UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE

**IMPORTANT NOTICE TO THE BAR AND PUBLIC
REGARDING PRIVACY-RELATED RULE CHANGES
EFFECTIVE DECEMBER 1, 2003**

At its September 2002 session, the Judicial Conference approved proposed amendments to the Federal Rules of Bankruptcy Procedure and the Official Bankruptcy Forms which will implement the Conference policy on privacy and public access to electronic court files. **Barring Congressional action, these amendments will take effect December 1, 2003.**

To review the proposed amendments, visit <http://www.uscourts.gov/rules/index.html>. Click on "Pending Rules Amendments Awaiting Final Action," and then select "Amendments Submitted to the Judicial Conference (Sept. 2002)."

The privacy amendments are consistent with the policy that documents in bankruptcy cases generally should be available electronically with the proviso that the Bankruptcy Code and Rules should be amended as necessary to allow the court to collect a debtor's full Social Security number but display only the last four digits. The purpose of this notice is to provide a synopsis of these changes as well as guidance regarding local implementation of these Rules and Forms by the United States Bankruptcy Court for the District of Delaware.

Key changes include the following:

- The petition, Official Form 1, will require individual debtors to submit only the last four digits of their Social Security numbers.
- Amendments to Rule 1007 will require debtors to *submit* a verified statement containing the full nine-digit number. The new Statement of Social Security Number will not be *filed* in the case or become part of the case file available to the public at the court or over the Internet.
- Rule 2002 will be amended to require the clerk to include the debtor's full Social Security number in the copy of the section 341 meeting of creditors notice, Official Form 9, sent to creditors, the debtor, the trustee, and the United States trustee or bankruptcy administrator. The copy of the section 341 notice available in CM/ECF, however, will contain only the last four digits of the Social Security number.
- Official Form 10, Proof of Claim, will require a wage creditor to disclose only the last four digits of the creditor's Social Security number. Subtotals for unsecured, secured, and priority will be added to the box for the total amount of the claim and a box will be added to the proof of claim for unsecured nonpriority claims. In addition, the shading will be removed from both the proof of claim and the section 341 meeting of creditors notice.
- **Filers — not the clerk — are responsible for redacting Social Security numbers and other**

personal identifiers such as dates of birth, financial account numbers, and names of minor children in documents they file with the court. Because pre-existing financial documents including personal identifiers may be filed as attachments to court papers, it is the filer's responsibility to review these documents and redact this information prior to filing them. The Clerk will not review each pleading for redaction. If documents are filed with the full Social Security number or other personal identifiers, the documents will be available electronically with all of the information contained when filed.

- These privacy amendments will require changes in the Court's electronic filing program, CM/ECF. Version 2.3 of CM/ECF will be installed the weekend of November 22, 2003. Upon installation of this upgrade, only the last four digits of the debtor's Social Security number will appear on the cover sheet of the docket and on Court generated forms and notices appearing on the docket. Please note that the full Social Security Number will continue to appear on all Court generated forms and notices **mailed** until December 1, 2003. **On and after December 1, 2003, the only mailed Court notice that will continue to contain the debtor's full Social Security Number will be the section 341 meeting of creditors notice. However, the notices available in CM/ECF will only contain the last 4 digits of the debtor's Social Security Number.**

THE CHANGES IN THE RULES AND FORMS OFFICIALLY TAKE EFFECT ON DECEMBER 1, 2003. PRIOR TO THAT DATE, THE CURRENT REQUIREMENTS (I.E. FULL SOCIAL SECURITY NUMBER TO APPEAR ON PETITION) ARE STILL IN EFFECT.

FORMS COMPLIANCE BY FILERS

Attorneys and parties should use the current versions of the Official Bankruptcy Forms through November 30, 2003 and the revised forms on and after December 1, 2003, as required by the Bankruptcy Rules. **All attorneys and parties filing documents in this Court should review the changes to ensure that their offices have the correct forms available as of December 1, 2003.** If using petition software to prepare forms, software vendors should be contacted for any necessary upgrades. Attorneys using old forms after that date will be issued a notice of deficiency. An attorney's persistence in filing using old forms may result in an order to show cause being issued by the Court for appropriate action. See Attachment A for a list of amended and new forms.

DEBTOR'S STATEMENT OF SOCIAL SECURITY NUMBER

On December 1, 2003, a new subdivision (f) will be added to Rule 1007.

Rule 1007. Lists, Schedules, and Statements; Time Limits

f.) STATEMENT OF SOCIAL SECURITY NUMBER.

An individual debtor shall submit a verified statement that sets out the debtor's social security number, or states that the debtor does not have a social security number. In a voluntary case, the debtor shall submit the statement with the petition. In an involuntary case, the debtor shall submit the statement within 15 days after the entry of the order for relief.

The rule is amended to add a requirement that a debtor "submit" to the Court a statement under penalty of perjury setting out the debtor's full social security number or stating that the debtor does not have a Social Security number. The addition is necessary because of the corresponding amendment to Rule 1005 which now provides that the caption of the petition includes only the final four digits of the debtor's social security number. The statement provides the information necessary to include on the service copy of the notice required under Rule 2002(a)(1). It will also provide the information to facilitate the ability of creditors to search the court record by a search of a social security number already in the creditor's possession.

This Court's local procedures will require the "submission" of this statement in the format of Official Bankruptcy Form 21, Statement of Social Security Number. Because the new statement will be "submitted" rather than "filed," it will not be part of the case file available to the parties, bar, and public. Official Form 21 will be made available in the "Forms" section of the Court's website (www.deb.uscourts.gov).

SUBMISSION OF DEBTOR'S SOCIAL SECURITY NUMBER WHEN ELECTRONICALLY FILING A PETITION IN CM/ECF (two-part process)

- 1. An electronic filer must continue to enter the full nine-digit Social Security number when prompted to enter the debtor's information during the CM/ECF case opening screens.**

Please note that the PDF of the petition and related documents should not include the full Social Security number. Also note that Official Bankruptcy Form 21, Statement of Social Security number, cannot be included as part of the petition filed electronically in the PDF format, or as one of the documents uploaded with it. Although the full Social Security Number will be input into CM/ECF, only the last four digits will display on the docket.

2. **All filers must submit Official Bankruptcy Form 21, Statement of Social Security Number(s) (effective December 1, 2003).**

Official Form 21 will be made available in the "Forms" section of the Court's website (www.deb.uscourts.gov). All electronic filers are required to submit this statement to the court in PDF format via e-mail immediately after filing a new bankruptcy petition as follows:

- a. Prepare Official Form 21, Statement of Social Security Number(s), available from the "Forms" section of the Court's website
- b. Save file in PDF format
- c. Send in an e-mail to the Court as follows:
 - ▶ Address e-mail to: **DEB_SSNVerify@deb.uscourts.gov**
 - ▶ Subject line: Case number only
 - ▶ Body: PDF of form only
- d. The Court will e-mail a confirmation verifying receipt of Official Form 21

Please note that since the case number is needed to prepare the e-mail, the case must first be opened in CM/ECF before submitting this form to the Court. Because Rule 1007(f) requires that the Statement of Social Security Number be submitted with the petition, and the debtor's Social Security number is needed to prepare the section 341 Meeting of Creditors Notice, the court will take immediate action if the Statement is not provided. A Notice of Deficiency Regarding Official Form 21, Statement of Social Security Number(s) will be issued requiring the Statement to be submitted by a date certain. Failure to comply may result in the case being dismissed.

SUBMISSION OF DEBTOR'S SOCIAL SECURITY NUMBER WHEN PAPER FILING A PETITION

If a petition is paper filed by a pro se debtor, a signed paper copy of Official Form 21, Statement of Social Security Number(s) is required to be submitted with the petition. Official Form 21 will be made available in the "Forms" section of the Court's website (www.deb.uscourts.gov). Because Rule 1007(f) requires that the Statement of Social Security Number be submitted with the petition, and the debtor's Social Security number is needed to prepare the section 341 Meeting of Creditors Notice, the court will take immediate action if the Statement is not provided. A Notice of Deficiency Regarding Official Form 21, Statement of Social Security Number(s) will be issued requiring the Statement to be submitted by a date certain. Failure to comply may result in the case being dismissed.

PROCEDURES FOR FILING WAGE ORDERS

Effective December 1, 2003, this Court's local procedures regarding wage orders will change due to the privacy amendments to the Rules. When preparing a proposed wage order to be filed on or after this date, the debtor or debtor's counsel should only include the last four digits of the debtor's Social Security Number; however, space should be allowed for the complete Social Security Number (i.e. ____ - __ - 1234). Electronic filers should save the proposed order in PDF format and e-file as follows: [Bankruptcy] > [Motions/Applications] > [Payroll Deduction - Motion]. The signed order will be docketed with only the last four digits of the debtor's Social Security Number. It is the responsibility of the debtor or debtor's counsel to add to the signed order the missing digits to complete the debtor's Social Security Number prior to submitting the order to the debtor's employer.

The Court appreciates the support and participation of the bar and the public in successfully implementing these procedures due to the privacy-related changes to the Rules and Forms. If we can be of additional assistance to you, please do not hesitate to contact us.

DAVID D. BIRD
Clerk of Court

November 25, 2003

AMENDED FORMS, EFFECTIVE 12/03

Voluntary Petition

Amended to require the debtor to disclose only the last four digits of the debtor's Social Security number. Those four digits will provide creditors with sufficient information to identify the debtor accurately while affording greater privacy to the debtor.

Involuntary Petition

Amended to require the petitioner to disclose the last four digits of the debtor's Social Security number to afford greater privacy to the debtor. This form is also amended to delete the request for information concerning the "Type of Business" as this data no longer is collected for statistical purposes.

Schedules D, E, and F

Amended to inform the debtor that the debtor's account number with a listed creditor is useful to the trustee and to the creditor and should be provided whenever practicable, but not require the number to be provided.

Schedule I

Amended to provide greater privacy to minors and other dependents of the debtor by deleting the requirement that the debtor disclose their names.

Declaration Concerning Debtor's Schedules and Individual Debtor's Statement of Intention

Amended to note that pursuant to §110(c) of the Bankruptcy Code, the certification of non-attorney bankruptcy petition preparer continues to require a petition preparer to provide the full Social Security number of the individual who actually prepares the document.

Statement of Financial Affairs

Amended to specify for those items that require the listing of any account number, only the last four digits must be disclosed.

Proof of Claim

Amended to require a wage, salary, or other compensation creditor to disclose only the last four digits of the creditor's Social Security number to afford greater privacy to the creditor. Some additional changes will also be made to this form including: subtotals for unsecured, secured, and priority will be added to the box for the total amount of the claim and a box will be added to the proof of claim for unsecured nonpriority claims, and the shading will be removed from both the proof of claim and the section 341 meeting of creditors notice.

NEW FORM, EFFECTIVE 12/03

Statement of Social Security (Official Form 21)

Starting December 1, 2003, this is required to be *submitted* upon filing petition (not to be e-filed).